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August 23, 2017

SENT VIA FOIAonline AND E-MAIL

Regional Freedom of Information Officer
U.S. EPA, Region III
1650 Arch Street (3CG00)
Philadelphia, PA 19103

Re: Request for records pursuant to the Freedom of Information Act

Dear EPA Region III Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") and the U.S. Environmental Protection Agency ("EPA") Regulations codified at 40 C.F.R. § 2.100 *et seq.*, I request that a copy of the documents identified on Appendix I enclosed herewith concerning the sheet pile wall at the Metal Bank Superfund Site in Philadelphia, Pennsylvania (EPA ID: PAD046557096) be provided to me.

I ask that my request receive prompt processing because of the need to review the requested materials prior to a judicial conference scheduled in connection with a litigation to which the EPA is not a party. *Cottman Avenue PRP Group, et. al. v. Amec Foster Wheeler Environmental and Infrastructure, Inc.*, Case No. 2:16-cv-06612-MSG, in the United States District Court for the Eastern District of Pennsylvania.

This request does not encompass any information that may be entitled to confidential treatment, or that otherwise may be exempt from disclosure under FOIA.

If you estimate that fees will exceed \$7,500, please inform me before incurring any such costs. If actual costs incurred should reach \$10,000, please stop work immediately and call me to discuss a path forward.

Please upload copies of the requested documents to the FOIAonline portal. Please contact me at mgreenfogel@warrenenvcounsel.com or (484) 383-4831 with any questions.

Thank you for your consideration of this request.

Very truly yours,

Mark L. Greenfogel

Enclosures (1)

cc: Robert S. Hassan, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency – Region III

Freedom of Information Act Request
Metal Bank Superfund Site
EPA ID: PAD046557096

1. Any correspondence, notes, reports, memoranda, notifications, and any other documentation regarding the litigation in *Cottman Avenue PRP Group, et. al. v. Amec Foster Wheeler Environmental and Infrastructure, Inc.*, Case No. 2:16-cv-06612-MSG, in the United States District Court for the Eastern District of Pennsylvania.
2. Copies of the following reports (including all exhibits, appendices or addenda), whether a draft or final version:
 - a. Preliminary Closeout Report;
 - b. Original Remedial Action Report/Engineers Report prepared by Malcom Pirnie, Inc.;
 - c. Revised Remedial Action Report/Engineers Report prepared by Environ, Inc. (March 2013);
 - d. The Sheet Pile Wall Repair Work Plan, and any revisions thereto;
 - e. The Sheet Pile Wall Repair Construction Certification Report (August 16, 2017); and
 - f. Long-Term Monitoring Annual Report(s) for the Site from 2008 to present.
3. All documents related to the September 16, 2002 Final Design Report submitted by AMEC and Hart Crowser relating to the Site including, but not limited to, documents relating to approval of the 2002 Final Design Report.
4. All Bathymetric and Elevation Surveys for the Site.
5. All as-built drawings and surveys concerning the Sheet Pile Wall.
6. All documents concerning Sheet Pile Wall monitoring, including without limitation:
 - a. Any measurements of tilt, rotation, or deflection of the Sheet Pile Wall;
 - b. Data for tiltmeters, inclinometers, or monitoring points (prisms);
 - c. Surveys monitoring the x, y, and z dimensions of the Sheet Pile Wall;
 - d. Any measurements of movement of the wall; and
 - e. Any visual inspections or surveys of the wall.
7. All testing, analysis, or examination of the soil conditions in front of, under, or behind the Sheet Pile Wall.
8. All photographs, videos, or other visual media depicting the condition of the Sheet Pile Wall.
9. All documents concerning differences between the as-built Sheet Pile Wall and the design included in the 2002 Final Design Report.
10. All documents concerning any repairs or maintenance performed on the Sheet Pile Wall.

11. All documents referencing an actual, or potential, defect in the design or construction of the Sheet Pile Wall including, but not limited to, concerns about misalignment.
12. All documents referencing movement of the Sheet Pile Wall, damage to the Sheet Pile Wall, or the potential, or actual, failure of the Sheet Pile Wall.
13. All documents concerning any analysis or testing of the Sheet Pile Wall, including, but not limited to, any calculations of stress on the tie-rods, walers, or “dead men” prepared subsequent to the wall’s construction.
14. Any correspondence, notes, reports, memoranda, notifications, and any other documentation reflecting or evidencing a release of any hazardous substance from the Site to the environment subsequent to construction of the Sheet Pile Wall.
15. Any correspondence (including enclosures and attachments) sent or received by the following EPA staff concerning the Sheet Pile Wall from 2008 to present:
 - a. Linda Dietz, EPA Remedial Project Manager;
 - b. Pat McManus, EPA Remedial Project Manager;
 - c. Melissa Karlick, representative of an EPA contractor;
 - d. Sharon Fang, EPA Remedial Project Manager;
 - e. William Geiger, EPA Remedial Project Manager;
 - f. John Monsees, Assistant Regional Counsel (to the extent not privileged);
 - g. Robert Hasson, EPA Senior Assistant Regional Counsel (to the extent not privileged);
 - h. James N. Webb, Associate Director; and
 - i. Peter Ludzia, Associate Director.
16. Any correspondence (including enclosures and attachments) or any other documents relating to the Sheet Pile Wall, sent to the EPA from 2008 to present, including without limitation:
 - a. Dr. John Dobi, PRP Group, PSE&G Delivery Company;
 - b. Dan Jordanger, Esq., Hunton & Williams;
 - c. Jeffrey Martin, Esq.; Hunton & Williams;
 - d. Joseph Vitale, Ramboll Environ; Environ International;
 - e. Nicholas Steenhaut, PE, Ramboll Environ US Corporation;
 - f. Walter Papp, RA Consultants, LLC;
 - g. George Horvat, PRP Group, PECO Energy;
 - h. Gary Kowalski, Creamer Environmental, Inc.; and
 - i. Any other representative of Hunton and Williams, Environ International Corporation, Ramboll Environ US Corporation, RA Consultants, LLC, Deep Excavation, LLC, Malcom Pirnie, Creamer Environmental, and RETTEW Associates, Inc.

17. Any correspondence, notes, reports, memoranda, or other documents concerning the Sheet Pile Wall that were prepared in anticipation of, during, following, or otherwise in connection with any of the following:

- a. Pre-final inspection (January 20, 2010);
- b. Follow-up site visit (February 24, 2010);
- c. EPA Site Inspection (October 23, 2012);
- d. Any inspection or site visit performed by the PRP Group or its consultants (including RA Consultants, Walter Papp, Environ International, and Joseph Vitale);
- e. Any post-construction inspections in which defects or damage to the sheet pile wall were noted, including those referenced in December 7, 2016, letter from William Geiger to Nicholas Steenhaut;
- f. Five Year Review (October 2012-August 2013);
- g. Approval of construction of the remedy (September 20, 2013);
- h. The Sheet Pile Wall Repair Work Plan, and any revisions thereto;
- i. The formal approval of repairs to the Sheet Pile Wall (December 7, 2016 letter); and
- j. The Sheet Pile Wall Repair Construction Certification Report (August 16, 2017).

Definitions

The term "document" shall be construed to the broadest extent possible and is used in the broadest possible sense. For example, the term "document" includes, without limitation, any written, printed, typed, photostatted, photographic, computerized, electronic, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, all copies or duplicates of documents contemporaneously or subsequently created that have any non-identical notes or other markings, all correspondence, memoranda, e-mails, notes, records, letters, envelopes, telegrams, messages, studies, analyses, contracts, agreements, working papers, summaries, statistical statements, invoices, receipts, financial statements, work papers, accounts, analytical records, reports and/or summaries of investigations, trade letters, press releases, comparisons, books, calendars, diaries, articles, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, drawings, diagrams, instructions, notes or minutes of meetings, or other communications of any type, whether in physical or electronic form and regardless of how stored and translated, if necessary, into usable form, as well as any preliminary versions, drafts, or revisions of any of the foregoing.

The term "correspondence" shall mean and include every manner or means of disclosure, transfer, or exchange, and every disclosure, transfer or exchange of information whether orally or by document or face-to-face, by telephone, telecopier, mail, computer communication (*i.e.*, e-mail or instant messages), personal delivery, video or audio conference, or otherwise, and whether sent or received.

The terms "referring", "related", "relate", "concerning", "relating", "connected with", and "in connection with" are to be construed in their broadest possible sense. For example, they mean, without limitation, comprising, referring to, relating to, responding to, implicating, having any relationship to, pertaining to, evidencing or constituting evidence of, regarding, affecting or affected by, connected to, related to, associated with, whether directly or indirectly, or in whole or in part, the subject matter of the particular request.